

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN THE MATTER OF: Charles ROSILIO, et.al.

SERIAL NO.: 09/914,455

FILED: August 27, 2001

GROUP: to be assigned

EXAMINER: to be assigned

FOR: METHOD FOR PRODUCING A TEMPLATE OF SEQUENCES OF  
CHEMICAL OR BIOLOGICAL MOLECULES FOR A CHEMICAL OR  
BIOLOGICAL ANALYSIS DEVICE

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**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**

Commissioner of Patents & Trademarks  
Mail Stop Petition  
P.O. Box 1450  
Alexandria, VA 22313-1450  
February 23, 2005

S I R:

Applicant respectfully petitions to withdraw the holding of abandonment of the above-captioned application. Applicant has received a Notice of Abandonment which was mailed on December 23, 2004. This Notice indicates that Applicant failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495. This refers to a Notification of Defective Response which was mailed on August 1, 2002 requesting a replacement computer readable sequence listing to replace the previously submitted one which was damaged while in transit.

The Holding of Abandonment should be withdrawn and no fee should be due for this Petition based upon the fact that applicant has proof that a replacement diskette was in fact timely filed.

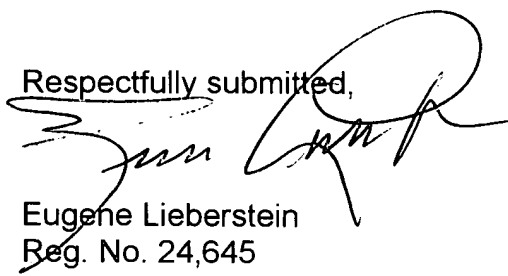
Enclosed with this petition are copies of the following documents: a response to the Notification of Defective Response including a Certificate of Mailing, a printed sequence listing and a copy showing that a replacement diskette containing the same sequence listing in computer readable form was enclosed with the response which was filed on August 23, 2002, and a photocopy of the stamped postcard showing the mailing date of the documents and the date of receipt by the U.S. Patent Office. Applicant also encloses a new diskette containing the computer readable form of the sequence listing. The computer readable form of the sequence listing is identical to that contained in the printed version.

The due date for filing the drawings was September 1, 2002. Both the Certificate of Mailing and the postcard indicate that the drawings were mailed on August 23rd and received on August 27<sup>th</sup>. According to the patent office employee contacted after receipt of the Notification of Abandonment, patent office records show that the enclosed response, which, according to the stamp appearing on the enclosed postcard, was manifestly received by the Office of Initial Patent Examination on August 27, 2002, was not actually entered into the file until October 4, 2004, thus leading to the instant Notice of Abandonment.

Applicant also encloses in support of this petition, a Declaration from Maggie McGarry, the secretary who mailed the drawings, signed the Certificate of Mailing and prepared the postcard for the mailing, indicating that the drawings were timely filed as indicated.

Accordingly, it is respectfully requested that this petition be granted and the present application be revived.

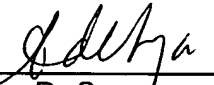
Respectfully submitted,

  
Eugene Lieberstein  
Reg. No. 24,645

ANDERSON, KILL & OLICK, P. C.  
1251 Avenue of the Americas  
New York, New York 10020-1182  
(212) 278-1000  
July 15, 2002

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner of Patents & Trademarks, Washington, DC 20231.

  
\_\_\_\_\_  
Audrey DeSouza  
Date: February 23, 2005

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**



IN THE MATTER OF: Charles ROSILIO, et.al.

SERIAL NO.: 09/914,455

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EXAMINER: to be assigned

FOR: METHOD FOR PRODUCING A TEMPLATE OF SEQUENCES OF  
CHEMICAL OR BIOLOGICAL MOLECULES FOR A CHEMICAL OR  
BIOLOGICAL ANALYSIS DEVICE

**DECLARATION IN SUPPORT OF PETITION TO WITHDRAW  
HOLDING OF ABANDONMENT**

Commissioner of Patents & Trademarks  
Mail Stop Petition  
P.O. Box 1450  
Alexandria, VA 22313-1450  
February 23, 2005

S I R:

I Maggie McGarry, hereby declare in support of the accompanying  
petition:

1. That I am a secretary, specialized in Intellectual Property, working  
for the Attorney of Record at ANDERSON, KILL & OLICK, P.C. on behalf of  
Applicant;

2. That my responsibility includes filing responses with the U.S.  
Patent Office and preparing postcards listing the elements being filed for  
confirmation of receipt;

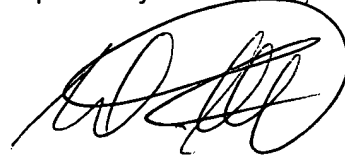
3. That I prepared the postcard for filing the response to the  
Notification of Defective Response and enclosed all of the documents listed on it.  
A photocopy of this postcard is enclosed as Exhibit E.

4. That the response and accompanying documents were filed on August 23, 2002 as evidenced by the Certificate of Mailing which I signed on that date.

Accordingly, it is respectfully requested that the attached Petition be granted.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Maggie McGarry', is written over a horizontal line.

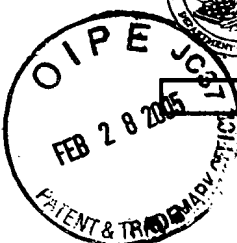
Maggie McGarry

ANDERSON, KILL & OLICK, P.C.  
1251 Avenue of the Americas  
New York, New York 10020-1182  
(212) 278-1000



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
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U.S. APPLICATION NUMBER NO.

09/914,455

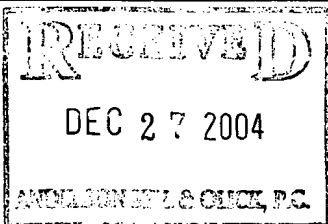
FIRST NAMED APPLICANT

Charles ROSILIO

ATTY. DOCKET NO.

4464

Eugene Lieberstein  
Anderson, Kill & Olick  
1251 Avenue of the Americas  
New York, NY 10020-1182



INTERNATIONAL APPLICATION NO.

PCT/FR00/00550

I.A. FILING DATE

03/06/2000

PRIORITY DATE

03/08/1999

CONFIRMATION NO. 4169

371

ABANDONMENT/TERMINATION  
LETTER



\*OC000000014814831\*

Date Mailed: 12/23/2004

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

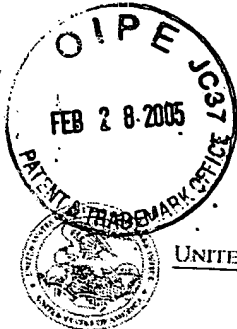
Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

FRANCINE YOUNG

Telephone: (703) 305-3662

PART 1 - ATTORNEY/APPLICANT COPY

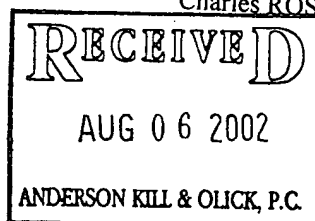
FORM PCT/DO/EO/909 (371 Abandonment Notice)



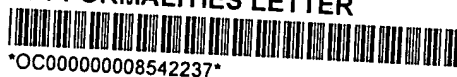
UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NUMBER NO. 09/914,455	FIRST NAMED APPLICANT Charles ROSILIO	ATTY. DOCKET NO. 4464
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Eugene Lieberstein  
Anderson, Kill & Olick  
1251 Avenue of the Americas  
New York, NY 10020-1182

INTERNATIONAL APPLICATION NO. PCT/FR00/00550	
I.A. FILING DATE 03/06/2000	PRIORITY DATE 03/08/1999

CONFIRMATION NO. 4169  
371 FORMALITIES LETTER

Date Mailed: 08/01/2002

## NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated Office (37 CFR 1.494):

- U.S. Basic National Fee
- Priority Document
- Assignee Statement
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

**Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).**

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
- ◻ The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

APPLICANT MUST PROVIDE:

- An initial or substitute computer readable form (CRF) of the "Sequence Listing."
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
  - For Rules Interpretation, call (703) 308-4216
  - To Purchase PatentIn Software, call (703) 306-2600
  - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov
- The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A substitute computer readable form must be submitted as required by 37 CFR 1.825(d).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 305-3662

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO. 09/914,455	INTERNATIONAL APPLICATION NO. PCT/FR00/00550	ATTY. DOCKET NO. 4464
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Inventor: Charles ROSILIO, et al  
Title: METHOD FOR PRODUCING A...  
...BIOLOGICAL ANALYSIS DEVICE  
Data Recorded: August 16, 2002  
Operating System: Win. 98 PatentIn  
Version 3.1.13  
App. SN 09/914,455 Filed: 3/06/00  
Docket: MM4464  
Due: September 1, 2002  
MAILED: August 23, 2002  
Attn: BOX PCT



Hon. Commissioner for Patents & Trademarks  
Date stamp as acknowledgement of receipt of:

Copy of Notification of Defective Response  
Substitute Filing of Sequence Listing in response  
to Notification of Defective Response  
.825(d)  
Computer Readable Format

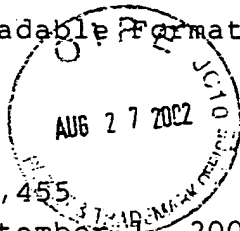
Hon. Commissioner for Patents & Trademarks  
Date stamp as acknowledgement of receipt of:

Copy of Notification of Defective Response  
Substitute Filing of Sequence Listing in response  
to Notification of Defective Response  
Statement Under 37 CFR 1.825(d)  
Diskette containing Computer Readable Format  
of Sequence Listing  
Certificate of Mailing Stamp

09/914,455  
Due: September 1, 2002

Re: ROSILIO, et al - SN: 09/914,455  
Filed: March 6, 2000 - Due: September 1, 2002  
MAILED: August 23, 2002

Attn: BOX PCT



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